



Docket No.: M4065.0383/P383
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kie Y. Ahn, et al

Application No.: 09/835,643

Group Art Unit: 2826

Filed: April 17, 2001

Examiner: L. Andujar

For: LOW-LOSS COPLANAR WAVEGUIDES
AND METHOD OF FABRICATION

#9/B(NE)
DEVIANS
6-5-03

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT AND
AMENDMENT UNDER 37 CFR 1.116

Box AF
Commissioner for Patents
Washington, DC 20231

Dear Sir:

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MAY 29 2003
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In response to the Office Action dated March 19, 2003 (Paper No. 7), finally rejecting claims 1-3, 10, and 11, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the list of claims which begins on page 2 of this paper.

Response to Election/Restriction Requirement begins on page 12 of this paper.

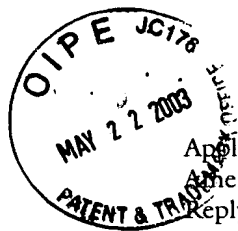
Remarks begin on page 13 of this paper.

05/27/2003 KZEWDIE 00000031 09835643

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01/27/2003 : DEVIANS 00000003 041073 09835643
01 FC:1201 168.00 CH
02 FC:1202 18.00 CH



Application No.: 09/835,643
Amendment dated May 22, 2003
Reply to Office Action of March 19, 2003

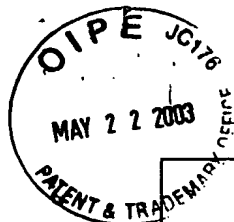
Docket No.: M4065.0383/P383

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

In the Office Action dated March 19, 2003 (Paper No. 7), the Examiner stated that "claims 92-109 are directed to an invention that is independent or distinct from the originally claimed invention for the following reasons: new claims 92-109 are directed to two different and patentable species from the originally elected group in paper no. 4, now species 1. Claims 92-105 are directed to species 2 and claims 106-109 are directed to species 3." (Office Action at 2). The Examiner also withdrew claims 92-109 from consideration as being directed to a non-elected invention. Applicants elect species 1 with traverse.

Applicants respectfully direct the Examiner's attention to MPEP § 803, which provides that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on its merits, even though it includes claims to independent or distinct inventions." (emphasis added). Claims 1-44 and 92-109 all relate to a method of forming a coplanar waveguide, defining closely related subject matter. New independent claim 110 highlights the close relationship of the subject matter of species 1, 2, and 3. New claim 110 recites all limitations of claim 1, as well as all limitations of claim 92. Moreover, independent claim 106 includes all limitations of independent claim 92, which is generic to species 2 and 3. Thus, even if claims 1-44, 92-105, and 106-109 would be directed to independent or distinct inventions, it is clear that the search and examination of the entire application can be made without serious burden.

In view of the above, the election requirement should be withdrawn and all claims 1-44 and 92-110 should be examined.



AMENDMENT TRANSMITTAL LETTER

Docket No.
M4065.0383/P383

Application No.
09/835,643-Conf. #4830

Filing Date
April 17, 2001

Examiner
L. Andujar

Art Unit
2826

Applicant(s): Kie Y. Ahn, et al

Invention: LOW-LOSS COPLANAR WAVEGUIDES AND METHOD OF FABRICATION

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	45	- 62 =		x	0.00
Independent Claims	12	- 5 =	7	x 84.00	588.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					588.00

☒ Large Entity

☐ Small Entity

☐ No additional fee is required for this amendment.

☐ Please charge Deposit Account No. _____ in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.

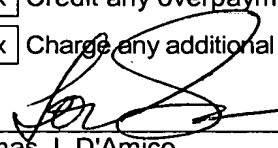
☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 04-1073
as described below. A duplicate copy of this sheet is enclosed.

☒ Credit any overpayment.

☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.


Thomas J. D'Amico
Attorney Reg. No.: 28,371

Dated: May 22, 2003

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L Street NW
Washington, DC 20037-1526
(202) 828-2232

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SAF/2826

PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1>FEE TRANSMITTAL</h1> <h2>for FY 2003</h2> <p><i>Patent fees are subject to annual revision.</i></p>		Complete if Known																																																																																																																																																																																														
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unavoidable</td></tr><tr><td>1453</td><td>1,300</td><td>2453</td><td>650</td><td>Petition to revive - unintentional</td></tr><tr><td>1501</td><td>1,300</td><td>2501</td><td>650</td><td>Utility issue fee (or reissue)</td></tr><tr><td>1502</td><td>470</td><td>2502</td><td>235</td><td>Design issue fee</td></tr><tr><td>1503</td><td>630</td><td>2503</td><td>315</td><td>Plant issue fee</td></tr><tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td></tr><tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td></tr><tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td></tr><tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr><tr><td>1809</td><td>750</td><td>2809</td><td>375</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td></tr><tr><td>1810</td><td>750</td><td>2810</td><td>375</td><td>For each additional invention to be examined (37CFR 1.129(b))</td></tr><tr><td>1801</td><td>750</td><td>2801</td><td>375</td><td>Request for Continued Examination (RCE)</td></tr><tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td></tr><tr><td colspan="4">Other fee (specify) _____</td><td></td></tr><tr><td colspan="4">*Reduced by Basic Filing Fee Paid</td><td style="text-align:right">SUBTOTAL (3) (\$) 0.00</td></tr></tbody></table>			Large Entity		Small Entity		Fee Description	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - 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3. ADDITIONAL FEES		<table border="1" style="width:100%"><thead><tr><th colspan="2">Large Entity</th><th colspan="2">Small Entity</th><th rowspan="2">Fee Description</th><th rowspan="2">Fee Paid</th></tr><tr><th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr><tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr><tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td><td></td></tr><tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td><td></td></tr><tr><td>1254</td><td>1,450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>1255</td><td>1,970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr><tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr><tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>1453</td><td>1,300</td><td>2453</td><td>650</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>1501</td><td>1,300</td><td>2501</td><td>650</td><td>Utility</td></tr></tbody></table>			Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	410	2252	205	Extension for reply within second month		1253	930	2253	465	Extension for reply within third month		1254	1,450	2254	725	Extension for reply within fourth month		1255	1,970	2255	985	Extension for reply within fifth month		1401	320	2401	160	Notice of Appeal		1402	320	2402	160	Filing a brief in support of an appeal		1403	280	2403	140	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,300	2453	650	Petition to revive - unintentional		1501	1,300	2501	650	Utility																																																																							
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